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SENATE BILL 1124 By
Crowe

HOUSE BILL 909
By Patton

AN ACT to amend Tennessee Code Annotated, Title 2, to provide for a runoff election for governor and the United States Senate and House of Representatives if no candidate in a primary election receives a majority of the votes cast.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 2-8-113, is amended by adding the following new subsection:

(c) Notwithstanding the provisions of subsection (a), if no candidate for governor or United States senator or member of the United States house of representatives receives a majority of the votes cast in the primary, a runoff election shall be held between the two (2) candidates receiving the highest number of votes cast for the office where no majority vote resulted. The runoff election shall be held on the last Thursday in August immediately after the regular August election. The candidate receiving a majority of the votes cast in the primary runoff election shall be nominated. The state coordinator of elections shall publicly calculate and compare the votes received by each candidate and declare who has been nominated for office in the primary. The state shall pay the cost of the primary runoff election.

SECTION 2. Tennessee Code Annotated, Section 2-8-114, is amended by adding the following sentence:

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Provided, however, if there is a tie in the primary for governor or United States senator or member of the United States house of representatives, there shall be a runoff election as provided in Tennessee Code Annotated, Section 2-8-113.

SECTION 3. Tennessee Code Annotated, Section 2-4-108(c), is amended by adding the following language:

The provisions of this section shall not apply to a runoff election conducted under Tennessee Code Annotated, Section 2-8-113.

SECTION 4. Tennessee Code Annotated, Title 2, Chapter 7, is amended by adding the following new section:

(a) A person may not vote in the runoff election of a political party other than the party whose primary the person voted in during the immediately preceding primary election.

(b) A person who did not vote in the immediately preceding primary election may vote in the runoff election.

(c) A violation of subsection (a) is a Class C misdemeanor.

SECTION 5. Tennessee Code Annotated, Section 2-6-102, is amended by adding the following new subsection:

In the case of a runoff election, the period for early voting is not more than ten (10) days nor less than five (5) days before the day of the election.

SECTION 6. Tennessee Code Annotated, Section 2-10-105, is amended by adding the following new subsection:

Statements for any runoff election shall be filed from the last day included in any prior report through the tenth day before the runoff election. Such statement shall be filed not later than seven (7) days before the runoff election.

SECTION 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of

the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.